

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM

UNCLASSIFIED

CONFIDENTIAL

SECRET

OFFICIAL ROUTING SLIP

TO	NAME	DATE	INITIALS
1			
2			
3	Mr. May		
4	Mr. Wortman		
5			
6			

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

Attached proposed revisions to

 prepared by

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.

DATE

Chief, Regulations Control Branch

30 APR 1978

UNCLASSIFIED

CONFIDENTIAL

SECRET

FORM NO.
1-67

237

Use previous editions

(40)

DD/A Registry
File 04M-1DD/A Registry
79-1291

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Proposed Revisions to [redacted] CIA Retirement and Disability System (Moneys), and [redacted] Waiver of Claims for Erroneous Payments (Job #8835)

FROM: Don I. Wortman **DCN I. WORTMAN**
 Deputy Director for Administration
 7D24 Hqs.

EXTENSION NO.
DATE

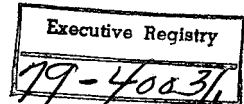
TO: (Officer designation, room number, and building)

	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. DDCI				The attached proposed revisions of [redacted] are forwarded for your approval. They were developed by the Office of General Counsel to delegate the authorities of the DCI for waiving recovery of erroneous payments under the CIA Retirement Act, to establish responsibilities of the Overpayments Review Board, and to set forth responsibilities for providing an annual report to the Comptroller General on erroneous payments. [redacted] presently states that the DCI may waive the recovery of erroneous payments under CIARDS when in his judgment the individual receiving payment is without fault and recovery would be against equity and good conscience. The paragraph is revised by adding a statement that procedures and delegated authorities for waiver of recovery are set forth in [redacted]. The latter regulation presently contains policy, authorities, and responsibilities for waiver of claims for erroneous payments of pay and allowances, but provisions for waiver under CIARDS have not been included until the present revision. Your signature is required to properly delegate the authorities contained therein. The proposals have the concurrence of the Offices of Personnel, Finance, and the Inspector General.
2.				
3. DCI				
4.				
5.				
6.				
7.				
8.				
9. DDA Registry 7D18 Hqs.				
10. RCB 5D49 Hqs. BU2 Amber				
11.				
12.				
13.				
14.				
15.				

HQ. INSTRUCTION SHEET

REMOVE			INSERT			EXPLANATION
REG. NOS.	PAGE NOS.	DATE	REG. NOS.	PAGE NOS.	DATE	
						<p>[] is revised to reference []</p> <p>[] is revised to delegate the authorities of the DCI for waiving recovery of erroneous payments under the CIA Retirement Act of 1964 for Certain Employees, to establish responsibilities of the Overpayments Review Board, and to set forth responsibilities for providing an annual report to the Comptroller General on erroneous payments.</p> <p>[] has been declassified and the control marking "Administrative - Internal Use Only" has been added.</p> <p>PEN AND INK CHANGE:</p> <p>[] Table of Contents, page i, please change the title for paragraph 15 to "15. Waiver of Claims for Erroneous Payments."</p>
<p>Arrows in the page margin show the locations of the changes described above.</p>						

DISTRIBUTION: AB



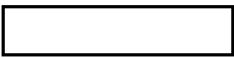
8 MAY 1979

PERSONNEL



r. MONEYS

(1) - (3) No Change.

(4) RECOVERY OF PAYMENTS. The Director may waive the recovery of erroneous payments under the CIA Retirement Act of 1964 for Certain Employees, as amended, when in the judgment of the Director the individual receiving the payment is without fault and recovery would be against equity and good conscience. Procedures and delegated authorities for waiver of the recovery of erroneous payments under this act are set forth  Withholding or recovery of erroneous payments under this act on account of a certification or payment made by a former employee of the Agency in the discharge of official duties may be made if the Director certifies that the certification or payment involved fraud on the part of the former employee.

No further changes.

/s/ Stansfield Turner

STANSFIELD TURNER
Director

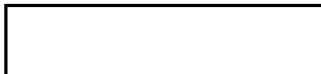
DISTRIBUTION: AB

79-4003

8 MAY 1979

FINANCIAL ADMINISTRATION

STAT



15. WAIVER OF CLAIMS FOR ERRONEOUS PAYMENTS

SYNOPSIS. This regulation sets forth the conditions, criteria, procedures, and responsibilities for: (a) waiver of claims for erroneous payments of pay and allowances in accordance with Public Law 90-616, as amended, and a Memorandum of Understanding, dated 30 March 1977, between the Agency and the General Accounting Office, and (b) waiver of recovery of erroneous payments under the CIA Retirement Act of 1964 for Certain Employees, as amended.

a. SCOPE

(1) Agency claims for erroneous payments of pay and allowances to employees, including claims that have been repaid by employees, may be waived in whole or in part, provided:

(a) The claims are for erroneous payments of pay or allowances to an employee on or after 1 July 1960.

(b) Waiver action was taken prior to 21 October 1971 on erroneous payments of pay discovered between 1 July 1960 and 21 October 1968, and within three years following discovery for erroneous payments discovered after 21 October 1968.

(c) Waiver action was taken prior to 2 October 1975 on erroneous payments of allowances discovered between 1 July 1960 and 2 October 1972 and within three years following discovery for erroneous payments discovered after 2 October 1972.

(2) The recovery of erroneous payments under the CIA Retirement Act may be waived in whole or in part with regard to erroneous payments made on or after 30 June 1974.

b. DEFINITIONS

(1) "Pay" means salary, wages, pay, compensation, emoluments, and other remuneration for services subject to Federal income taxes. It includes overtime pay; premium pay; flight pay; night, Sunday standby, irregular and hazardous duty differential; post differential; pay for Sunday and holiday work; payment for accumulated and accrued leave; and severance pay.

(2) "Allowances" means living quarters allowance, post allowance, supplementary post allowance, foreign transfer allowance, home service transfer allowance, separate maintenance allowance, education allowance, cost-of-living allowance, and clothing allowance, not including travel and transportation allowances.

(3) "Employee" means an individual within any of the categories of personnel as defined

STAT

ADMINISTRATIVE INTERNAL USE ONLY

(4) "'Overpayments Review Board'" means an entity consisting of a representative of the Director of Finance, of the General Counsel, of the Director of Personnel, and of the Chief, Audit Staff, with the representative of the Director of Finance designated as chairman and a secretary from the Office of Finance designated by the chairman to perform such duties as directed by the board.

c. STANDARDS FOR WAIVER. Agency claims for erroneous payments of pay and allowances may be waived when collection would be against equity and good conscience and not in the best interests of the United States. Recovery of erroneous payments under the CIA Retirement Act may be waived when the individual receiving the payment is without fault and recovery would be against equity and good conscience. Generally these criteria will be met if the erroneous payments occurred through administrative error and if there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver. Ordinarily, lack of good faith is implied when there has been an unexplained, significant increase in an employee's pay or allowances or in payments to an individual under the CIA Retirement Act that would reasonably cause the employee or individual to make inquiry concerning their correctness

ADMINISTRATIVE INTERNAL USE ONLY

ADMINISTRATIVE INTERNAL USE ONLY

and when the employee or individual has not made such an inquiry through normal administrative channels.

d. AUTHORITIES. The Agency officials designated to exercise the following waiver authorities may not delegate those authorities to other than individuals who have been designated to act in the capacity of such officials.

(1) Claims for Erroneous Payments of Pay and Allowances Made from Vouchered Funds:

(a) The Director of Finance may waive a claim in an amount aggregating not more than \$500.

(b) Claims for amounts aggregating more than \$500 will be referred by the Deputy Director for Administration to the General Accounting Office (GAO) for final decision. Referral to GAO will be accomplished as follows:

(1) In accordance with established procedures applicable to all agencies when the identity of the employee and all relevant facts can be disclosed without revealing classified matter or intelligence sources and methods.

(2) In accordance with special arrangements made between the Agency and GAO when disclosure of the name of the employee or the facts of the case would disclose intelligence sources and methods.

(2) Claims for Erroneous Payments of Pay and Allowances Made from Confidential Funds:

ADMINISTRATIVE INTERNAL USE ONLY

(a) The Director of Finance may waive a claim in an amount aggregating not more than \$500.

(b) The Deputy Director for Administration may waive a claim in an amount aggregating more than \$500 but not in excess of \$5,000.

(c) The Deputy Director of Central Intelligence may waive a claim in an amount aggregating more than \$5,000.

(3) Recovery of Erroneous Payments under the CIA Retirement Act:

(a) The Director of Finance may waive recovery of erroneous payments in an amount aggregating not more than \$500.

(b) The Deputy Director for Administration may waive recovery of erroneous payments in an amount aggregating more than \$500 but not in excess of \$5,000.

(c) The Deputy Director of Central Intelligence may waive recovery of erroneous payments in an amount aggregating more than \$5,000.

e. PROCEDURES. Requests for waiver of claims for erroneous payments of pay and allowances may be initiated by the employee. Requests for waiver of recovery of erroneous payments under the CIA Retirement Act may be initiated by the individual receiving payments under the act. The Operating Official of the employee's component of assignment or the Director of Finance may initiate action to consider waiver

of collection of erroneous payments if the erroneous payments have not been repaid in whole or in part. Only the employee or individual concerned may request a waiver if the erroneous payments have already been repaid. Each request originated by an employee, or by an individual receiving payments under the CIA Retirement Act, should be accompanied by a copy or citation of the document by which timely inquiry was made to the Office of Finance:

(1) Upon detection of an unexplained variation in pay, allowances, or deductions as prescribed by HR 20-31e, or in payments under the CIA Retirement Act.

(2) When a response to such an inquiry or an anticipated adjustment of pay is not made on a timely basis. In absence of the required substantiating documentation (or citation thereof), the waiver request of an employee, or of an individual receiving payments under the CIA Retirement Act, must include a statement explaining why the overpayment did not cause the employee or individual to make some inquiry through normal administrative channels. Overpayments resulting solely from delays in reporting and processing changes in cover organization compensation normally will not be eligible for waiver of a claim for erroneous payment of pay or allowances.

f. RESPONSIBILITIES

(1) The Overpayments Review Board will:

ADMINISTRATIVE INTERNAL USE ONLY

- (a) Receive all requests for waiver.
- (b) Investigate every waiver request and prepare a report that includes:
 - (1) The aggregate amount of the overpayment together with a statement that the record(s) or voucher(s) upon which the erroneous payment was made are retained in the records of the Office of Finance.
 - (2) The reason and circumstances for each erroneous payment, the date it was discovered, and corrective action required to prevent similar erroneous payments.
 - (3) A statement whether there is any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver.
 - (4) Other information that may assist Agency officials or, when appropriate, GAO in determining if the criteria for waiver have been met.
 - (5) Recommendation together with reasons for or against the waiver.
- (2) The Director of Finance will:
 - (a) Act upon the recommendation for or against the waiver of \$500 or less. Refer reports on waivers of more than \$500 with recommendations for action to the appropriate authority as specified by paragraph d above.

ADMINISTRATIVE INTERNAL USE ONLY

ADMINISTRATIVE INTERNAL USE ONLY

(b) Inform through administrative channels the employee, or the individual receiving payments under the CIA Retirement Act, of the disposition of the waiver request. If a refund is due, certify and process it for payment or credit to the employee or individual.

(c) Establish and maintain a record of each waiver request and its disposition.

(d) Furnish within 60 days after the close of each fiscal year a consolidated report to the Director of Central Intelligence through the Deputy Director for Administration showing the total amount of erroneous payments of pay and allowances and erroneous payments under the CIA Retirement Act waived by the Agency during the fiscal year including:

(1) The dollar amount and number of waiver requests granted in full.

(2) The dollar amount and number of waiver requests denied in entirety.

(3) The number of partial waivers including the aggregate amount waived and the aggregate denied in this category.

(4) The amount refunded as a result of waiver action for those requests that involve amounts already repaid by employees or by individuals receiving payments under the CIA Retirement Act.

(e) Within 60 days after the close of each fiscal year furnish a consolidated report to the Comptroller

ADMINISTRATIVE INTERNAL USE ONLY

ADMINISTRATIVE INTERNAL USE ONLY

Approved For Release 2006/02/01 : CIA-RDP83-00150R000300060046-9

General of the United States through the Deputy Director for Administration and the Director of Central Intelligence showing the total amount of erroneous payments of pay and allowances made from vouchered funds and waived by the Agency during the fiscal year including:

(1) The dollar amount and number of waiver requests granted in full.

(2) The dollar amount and number of waiver requests denied in entirety.

(3) The number of partial waivers including the aggregate amount waived and the aggregate denied in this category.

(4) The number of requests transmitted to GAO for waiver action.

(5) The amount refunded as a result of waiver action by the Agency.

(6) The amount refunded as a result of waiver action by the Comptroller General.

/s/ Stansfield Turner

STANSFIELD TURNER
Director

DISTRIBUTION: AB

Distribution: 0 - DCI
1 - DDCI
1 - ER
1 - DDA Chrono
1 - DDA SUBJECT
1 - RCB

Approved For Release 2006/02/01 : CIA-RDP83-00150R000300060046-9

ADMINISTRATIVE INTERNAL USE ONLY